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PTO/SB/64 (01-08)

Approved for use through 08/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Docket Number (Optional)	

First named inventor: *Steven M. Senn*Application No.: *09/888, 554*

Art Unit:

Filed: *JUN 26, 2001*Examiner: *Michael Cott*Title: *Retail Customer and Product Purchase Divider with Interactive Retail Transaction Functions.*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

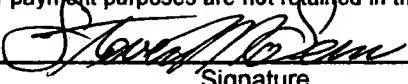
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

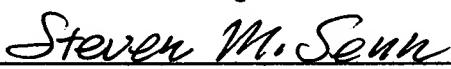
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



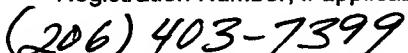
Signature



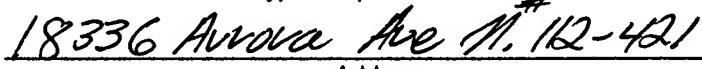
Date



Typed or printed name



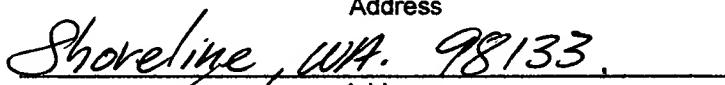
Registration Number, if applicable



Address



Telephone Number



Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

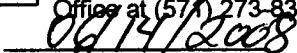
Other: *Letter of Unintentional Delay Revival Request*

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

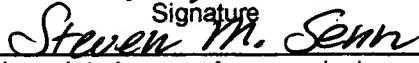
Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.



Date



Signature



Typed or printed name of person signing certificate



STEVE SENN / SENNCO
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To: Commissioner of Patents / Attn: Special Program Manager 3600
P.O. Box 1450, Alexandria, VA 22313-1450
Attn: Steve Meyer / Special Program Manager Area 3600

Inventor: Steven M. Senn
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(206) 542-6049 (206) 403-7399

RE: Application # 09/888,554

INVENTION TITLE

RE: USPTO patent application number: "09/888/554", Title: "Retail Customer and Product Purchase Divider With Interactive Retail Transaction Functions"

I am petitioning the USPTO to withdraw the action for abandonment for this patent application (number 09/888,554) so I may finish the patent process. I never received an "Office Action Letter" or an "Abandonment For Failure To Respond" letter from the USPTO. I have been told the abandonment letter was dated May 5, 2004. I have written and called many times and no one has been able to find these letters. I recently noticed that the patent application has been published on the PTO site. This may be mainly because I physically re-located and lost communications. I have enclosed the re-instatement fee.

When I recently contacted the USPTO by phone the office actions could not be located by several departments. It appears that the final "Office Action Application Abandonment For Failure to Respond" letter was not generated and sent to me. I have searched and others at the PTO have searched. The notice letters and my correspondence with the PTO do not exist in the PAIRS data system. A withdrawal of the abandonment for failure to respond will allow me to complete the application of this patent. I am requesting the withdrawal because I could not respond to the office action notices having never received them.

It has come to my attention that the USPTO never received a response from me to an "Office Action Letter" within 6 months that was mailed to me regarding the above patent application. I was contacted and submitted a claims revision dated September 18, 2001. I recently called and spoke with a PTO assistant that stated an "Office Action" letter was sent on October 3, 2003 to 5208 - 122pl SE, Everett, WA 98036. On May 5, 2004 another letter was sent to 5208 - 122pl SE, Everett, WA 98036 for "Abandonment For Failure To Respond Office Action". I never received these notices.

I was working with Michael Cuff, who was the examiner for this patent application. It was not my intention to delay the patent application. I was not at that address (5208 – 122pl SE, Everett, WA 98036) after May of 2003 and I unintentionally did not submit a "Change of Correspondence Address" form. I unintentionally did not respond to the office actions because I did not receive them at my address. The delay from then to now was unintentional and can be explained. If more clarification is needed please let me know your requirements.

Please withdraw the holding of abandonment pending application for of this patent application. Also please send me all the necessary information, documents (including copies of the office action letters) and contacts in the USPTO necessary to continue and finish the patent application. If you have any questions please contact me as soon as possible.

Sincerely,  Steven M Senn

USPTO Patent Link: <http://appft1.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnetahtml%2FPTO%2Fsearch-bool.html&r=2&f=G&l=50&c01=AND&d=PG01&s1=divider&s2=senn&OS=divider+AND+senn&RS=divider+AND+senn>